UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL McGUIRE,

Plaintiffs,

-against-

VILLAGE OF TARRYTOWN, et al.,

Defendants.

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DECLARATION

Docket No.
08 Civ. 2049 (SCR)

CHARLES A. MARTIN, an attorney duly admitted to practice law in the Southern District Court of New York hereby affirms under the penalties of perjury, the following.

1. I am an associate of the law firm of MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP, attorneys for defendants VILLAGE OF TARRYTOWN; DREW FIXELL, STEVE McCABE, SCOTT BROWN, SERGEANT FRANK J. GIAMPICCOLO, SERGEANT JOHN C. GARDNER, SERGEANT JOHN BARBELET, SERGEANT KEVIN BARBELET, POLICE OFFICER CHRISTOPHER COLE, POLICE OFFICER GREGORY M. BUDNAR, POLICE OFFICER DENNIS C. SMITH, POLICE OFFICER BRIAN F. MACOM, and BARRY WARHIT (hereinafter the "Tarrytown defendants") in the above-referenced action..

2. I submit this Declaration in support of Tarrytown defendants' motion to dismiss, pursuant to Fed. R. Civ. P. 12(c), plaintiff's fourth cause of action under 42 U.S.C. §1985 and fifth cause of action under 42 U.S.C. § 1986 against all defendants, and dismissing the entire complaint as against individual defendant Barry Warhit on the ground of judicial immunity, and as against individual defendant Kevin Barbelet for failure to state a cause of action.

3. For the reasons set forth in the accompanying memorandum of law, the Tarrytown defendants respectfully request that the Court grant their motion to dismiss.

Dated: Mineola, New York
April 30, 2008

Charles A. Martin (CAM-1881